IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 30TH NOVEMBER 2006 / 9TH AGRAHAYANA 1928

Crl.MC.No. 1382 of 2006(C)

AGAINST THE ORDER DATED 24/04/2006 IN CRMP. 2875 /2002 IN CC.187/2002 of CHIEF JUDICIAL MAGISTRATE, ALAPPUZHA

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PETITIONER:

P.S.AJITHKUMAR, S/O.LATE P.S.SREENIVASAN
T.C.NO.15/1218, REVATHI, D.P.I.JUNCTION,
THIRUVANANTHAPURAM.

BY ADV. SRI.K.T.SHYAMKUMAR
SRI.R.NARENDRAN NAIR

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY LTHE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

2. M/S.BEST BANKERS, MULLAKKAL, ALAPPUZHA REPRESENTED BY THE POWER OF ATTORNEY HOLDER OF ITS MANAGING DIRECTOR, M.K.DIVAKARAN.

BY ADV. SRI.V.GIRI
SRIR.AZAD BABU
PUBLIC PROSECUTOR SRI.PUZHAKKARA MUHAMMED.

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 30/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

CRL.M.C.NO. 1382 OF 2006

Dated this the 30th day of November, 2006

ORDER

The petitioner is an accused in a prosecution under Sec.138 of the N.I. Act. Meaningless and unnecessary controversies are holding up the disposal of the case. The complainant appears to have filed a petition that the trial may be held as a summons trial and not summary trial. That was opposed. That application was allowed. One round of litigation before this Court is already over. The matter was sent back. The court was directed to decide the matter afresh. A decision has been taken to convert the proceedings into summons trial. The petitioner has come to this Court with this Crl.M.C.

2. After discussions at the Bar, the learned counsel for the respondent/complainant submits that the respondent would like to see the end of this litigation as early as possible and, in these circumstances, he does not press the prayer for disposal of the case as a summons case. He only prays that a direction may be issued for expeditious disposal of the case

the trial being held as summary trial. I am satisfied that this Crl.M.C. can, in these circumstances, be allowed.

3. In the result, this Crl.M.C. is allowed. The learned Magistrate shall complete the proceedings as expeditiously as possible – at any rate, within a period of three months from the date on which a copy of this order is placed before the learned Magistrate. The trial will continue now as a summary trial.

4. Hand over a copy of this order to the learned counsel for the 2nd respondent forthwith for production before the learned Magistrate.

(R. BASANT, JUDGE)

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